

The great object of these proceedings, from first to last, is to procure an equal distribution of the estate of Samuel Jones, junior, an insolvent debtor, among his creditors, and to prevent the giving of what is charged as an undue and improper preference to the defendants, Albert and wife. This is manifestly the object of the entire proceeding, but whether it can or ought, under the circumstances of this case, to be accomplished, remains to be decided hereafter.

It may happen, that the deed of trust, upon the strength of which the original bill was filed, may ultimately be adjudged valid, and as conveying to the grantees, all the property of Jones, except the Wheatfield Inn, and that his interest in that, therefore, whatever it may be, passed to the same parties as his permanent trustees under the insolvent proceedings; in which event, and to the extent of that property, there could be no possible conflict between the titles.

It has been argued, that if the decree of the Baltimore County Court, as a court of equity, is pronounced to be void, as giving an undue and improper preference to the parties in whose favor it was rendered, that then the deed of trust to Winn and Ross, is invalid for the same reason. This may or may not be so, but the Chancellor does not think it follows as a matter of necessary consequence, and at any rate, it would be premature now, upon this preliminary question, to express any opinion of it. Upon the best consideration which I have been able to give the subject, I think the leave to file the bill may be granted, but it will be granted upon such terms as not to deprive the defendants of an early decision upon their motion to dissolve the injunction.

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[An order was accordingly passed, granting the leave asked for, with liberty reserved to the defendants, after answering the supplemental bill, to move for a dissolution of the injunction upon five days notice to the complainants.

Upon the hearing of the motion to dissolve, the Chancellor pronounced the following opinion:]